

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.5576 of 2006**

DATE OF DECISION: December 4, 2006

KAPOORA S/O HAR LAL

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.**

PRESENT: NONE FOR THE PETITIONER.
MR. S.K. BISHONOI, SR.DAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has prayed for quashing the order, Annexure P-7 passed by the Collector, Kaithal by which the petition of the petitioner for allotting him Nazool land has been dismissed. The petitioner has prayed that as he has been in cultivating possession over the land in dispute for the last several years, therefore, he is entitled to the allotment of the land in accordance with the Nazool Lands (Transfer) Rules, 1956 and Nazool Land (Transfer) Haryana Amendment Rules, 1976.

We have perused the order, Annexure P-7 and a perusal of the same shows that the Deputy Commissioner has been giving the land in dispute on lease on year to year basis. A chart has also been reproduced in the order which shows that right from the year 1981-82 upto 2005-06, the land is being given on yearly basis to the persons who were the highest bidders. A perusal of the chart also shows that the petitioner had taken the land on lease on year to year basis in the year 1994-95 upto the years 2000-2001 and thereafter, the land was taken on lease by one Bharthu

s/o Budh Ram for the year 2001-2002 and again the petitioner had taken the land on lease for a period of 2 years from 2002-2003 and 2003-2004. Thereafter, the petitioner had remained in unauthorized possession for the next year but after that he was ejected and one Rameshwar had taken the land on lease for the year 2005-2006.

A perusal of the aforementioned facts clearly shows that the land in dispute has been continuously being given on lease on year to year basis and the petitioner had also taken the same on lease for a few years.

In view of the above, we find no ground to set aside the orders, Annexure P-7. The petitioner is not entitled to the allotment of Nazool land in the instant case.

No merit. Dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

December 4, 2006
Gulati

(NIRMAL YADAV)
JUDGE